

Supporting

Documents

III

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804 & COPY TO RECORDS ON: 8-2-07 BY: DOH [] CCCMS [] EOP [] NIMHP
 STATE OF CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION
 T.A.B.E. Score is 9.4

RULES VIOLATION REPORT

CDC NUMBER K-93463	INMATE'S NAME BROWN	RELEASE/BOARD DATE 7/24/09 CFB	INST CTF-NOR	HOUSING WB-312U	LOG NO. VI-08-07-001
VIOLATED RULE NO(S) CCR §3041(b)		SPECIFIC ACTS Refused To Report To Work/job Assignment	LOCATION Sap Building	DATE 8/1/2007	TIME 0935 Hours

CIRCUMSTANCES

On 8/1/2007, at approximately 0935 hours, while I was assigned as a substance abuse counselor, Inmate **BROWN, K-93463, WB-312U**, assigned to SAP 444 refused to attend SAP. Inmate **BROWN** stated, "I don't want to come, it interferes with my litigations." Per Officer Carrillo in housing unit Whitney. Inmate **BROWN** is aware of his job description and expectations. Inmate **BROWN** will receive an (A) day and CDCR-115 for failure to report.

Inmate **BROWN** is aware of this CDCR-115 RVR and the specific charge. Inmate **BROWN** is not a mental health patient / participant at any level of care.

REPORTING EMPLOYEE (Typed Name and Signature) M. Rodriguez, Journey/Counselor	DATE 8-2-07	ASSIGNMENT N. SAP	RDO'S S/S/H
REVIEWING SUPERVISOR'S SIGNATURE D. C. Salvia, Correctional Sergeant	DATE 8-2-07	<input type="checkbox"/> INMATE SEGREGATED PENDING HEARING	
<input type="checkbox"/> ASSIGNED <input type="checkbox"/> ADMINISTRATIVE <input checked="" type="checkbox"/> SERIOUS	OFFENSE DIVISION: "F" 00-30	DATE 8-2-07	CLASSIFIED BY (Typed Name and Signature) D. N. McCall, Correctional Lieutenant
		HEARING REFERRED TO <input type="checkbox"/> HO <input checked="" type="checkbox"/> SHO <input type="checkbox"/> SC <input type="checkbox"/> FC	

COPIES GIVEN TO INMATE BEFORE HEARING

<input checked="" type="checkbox"/> CDC 115	BY: (STAFF'S SIGNATURE) [Signature]	DATE 8-2-07	TIME 11:00	TITLE OF SUPPLEMENT
<input type="checkbox"/> INCIDENT REPORT LOG NUMBER:	BY: (STAFF'S SIGNATURE) [Signature]	DATE	TIME	BY: (STAFF'S SIGNATURE) [Signature]
				DATE
				TIME

HEARING:

PLEA: Inmate **BROWN** pled NOT GUILTY.

FINDINGS: Inmate **BROWN** has been found GUILTY of being in violation of CCR§ 3041(b); specifically Refused To Report To Work/job Assignment.

DISPOSITION: Inmate **BROWN** is assessed 30 Days Forfeiture of Credit, which is consistent with a Division "F" Offense, CCR §3323(h)(3); Counseled and Reprimanded.

DISPOSITION CONTINUED ON CDC-115C

REFERRED TO <input type="checkbox"/> CLASSIFICATION <input type="checkbox"/> BPT / NAEA	SIGNATURE [Signature]	DATE	TIME
ACTION BY: (TYPED NAME) E. Stephens, Correctional Lieutenant (SHO)			
REVIEWED BY: (TYPED NAME) J. Sareli, Facility Captain	DATE 8-2-07	CHIEF DISCIPLINARY OFFICER'S SIGNATURE G.A. Ortiz, Associate Warden, CDO	DATE
<input type="checkbox"/> COPY OF CDC 115 GIVEN TO INMATE AFTER HEARING	BY: (STAFF'S SIGNATURE) [Signature]	DATE 8-2-07	TIME 11:00

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS & REHABILITATION

RULES VIOLATION REPORT - PART C

PAGE 2 of 2

CDC NUMBER K-93463	INMATE'S NAME BROWN	LOG NUMBER VI-08-07-001	INSTITUTION CTF-NORTH	TODAY'S DATE 08/24/07
<input type="checkbox"/> SUPPLEMENTAL <input checked="" type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input checked="" type="checkbox"/> HEARING <input type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER _____				

HEARING: Inmate BROWN appeared before the Senior Hearing Officer on 08/24/07, at 0/83 hours. The purpose for the hearing was explained. Inmate BROWN acknowledges receiving all copies of relevant documents more than 24 hours prior to this hearing.

INMATE'S HEALTH: Inmate BROWN stated that his health is good.

MHDS: Inmate BROWN is not a mental health patient / participant at any level of care, and did not exhibit behavior that was bizarre, unusual, or uncharacteristic at the time of the events documented in this Rules Violation Report. A referral to the Health Care Services Department for Mental Health Assessment was not made.

Date of discovery: 08/01/07

Initial RVR copy issued on: 08/03/07

Hearing started on: 08/24/07

Last document issued to inmate on: 08/03/07

DA postponed date: NONE

DA results issued date: NONE

TIME CONSTRAINTS: Time Constraints were met.

STAFF ASSISTANT (SA): A Staff Assistant was not assigned, as the criteria per CCR§ 3315(d)(2) were not met.

T.A.B.E.: Inmate BROWN'S "T.A.B.E." Reading Score is 9.4. Inmate BROWN is fluent in English and read the charges to the Senior Hearing Officer and explained his understanding of the charges / process / options / instructions to the Senior Hearing Officer's (SHO) satisfaction.

INVESTIGATIVE EMPLOYEE (IE): An Investigative Employee was assigned. Correctional Officer E. L. HOWARD was assigned as the Investigative Employee, as the criteria per CCR§ 3315(d)(1) were met.

DA REFERRAL: NO

ADDITIONAL EVIDENCE REQUESTED OR USED: NONE

VIDEO TAPE EVIDENCE: NO

INMATE STATEMENT: Inmate BROWN pled NOT GUILTY. Inmate BROWN presented me (SHO) with a hand written reason of why he was not guilty. (See attached Declaration authored and signed by Inmate BROWN concerning Log #-08-07-001) Inmate BROWN had no further statement for this hearing.

WITNESSES REQUESTED OR PROVIDED: Inmate BROWN did not request the presence of any witnesses.

WITNESS TESTIMONY AT HEARING: NONE

CONFIDENTIAL INFORMATION: NO

FINDINGS: This finding is based on 1) the information provided in the Rules Violation Report, in which the Reporting Employee, Journey/Counselor, L. RODRIGUEZ documents that Inmate BROWN refused to attend SAP by stating, "I don't want to come, it interferes with my litigations." 2) This Senior Hearing Officer finds Inmate BROWN's written statement an indication of guilt due to the fact he does not attend SAP because of his litigations, which in essence is a blatant refusal to attend.

ADDITIONAL DISPOSITION: NONE

ENEMY CONCERNS: NO

APPEAL RIGHTS: Inmate BROWN was advised he will receive a completed copy of the CDCR-115 RVR upon final audit by the Chief Disciplinary Officer. Inmate BROWN was also advised of his right to appeal, the methods of appealing, and credit restoration procedures.

SIGNATURE OF WRITER: E. Stephens, Correctional Lieutenant (SHO)		DATE SIGNED:	
GIVEN BY: (Staff's Signature)	DATE SIGNED:	TIME SIGNED:	
<i>[Signature]</i>	8/24/07		

☐ COPY OF CDC 115-C GIVEN TO INMATE

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CDC NUMBER K-93463	INMATE'S NAME BROWN	LOG NUMBER VI-08-07-001	INSTITUTION CTF-NORTH	TODAY'S DATE 8/13/2007
<input type="checkbox"/> SUPPLEMENTAL <input checked="" type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input type="checkbox"/> HEARING <input checked="" type="checkbox"/> IE REPORT <input checked="" type="checkbox"/> OTHER: <u>DECLARATION</u>				

Inmate **BROWN** submitted the following 'Declaration' concerning this RVR, Log # **VI-08-07-001**:

I William Brown, declare;

That on 8-1-07, I did not refuse to go to work, I plainly stated that due to my PLU status, interferes with any court establish deadlines. If I were to attend this program when it's my scheduled time to be in the law library it would deny me access to the courts.

This program (SAP) is more or less a treatment program, in which by the CCR states, "I have the right to refuse a treatment program." If this correct, then I should not have been issued an RVR for refusing a treatment program, since this is my "Right" to refuse a treatment program.

By receiving or issuing a CDC 115 in this manner is a retaliatory measure for refusing a treatment program. My job assignment does not begin until 1200 hours, Yard Crew. Furthermore, as it was stated by me at my initial classification and 602 process, "I did not want to participate with the SAP program.

Staff deliberately and intentionally ignored this documented fact and forced this treatment program upon me with little or no regards of the fact that I said, "I do not want to be in this program." All this was stated at my initial committee classification and on a 602 and it was all ignored by staff, all for staffs' ulterior motive - to chastise, punish me for refusing SAP.

In addition my placement into the SAP program was due to my alcoholism record, in which clearly indicates and spells, that the SAP program is for treatment of my alcoholism track record. Therefore, it (SAP) cannot be classified as a job, it clearly indicates that the SAP program is a "Treatment program for Substance Abuse." In which is my right to refuse as policy indicates, CCR Title 15.

I pled NOT Guilty

I declare under penalty of perjury that the foregoing is true and correct.

<input checked="" type="checkbox"/>	SIGNATURE OF WRITER: <u>S. Stephens, Correctional Lieutenant</u>		DATE SIGNED: <u>8/13/07</u>
	GIVEN BY: (Staff's Signature) <u>[Signature]</u>	DATE SIGNED: <u>8/13/07</u>	TIME SIGNED: <u>12:35</u>

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STATE OF CALIFORNIA

SERIOUS RULES VIOLATION REPORT

CDC NUMBER K-93463	INMATE'S NAME BROWN	VIOLATED RULE NO(S) CCR§ 3041(b)	DATE 8/1/2007	INSTITUTION CTF-NORTH	LOG NO. VI-08-07-001
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 REFERRAL FOR FELONY PROSECUTION IS LIKELY IN THIS INCIDENT ☐ YES ☒ NO
POSTPONEMENT OF DISCIPLINARY HEARING

<input type="checkbox"/> I DO NOT REQUEST my hearing be postponed pending outcome of referral for prosecution	INMATE'S SIGNATURE ▶ <i>N/A</i>	DATE
<input type="checkbox"/> I REQUEST my hearing be postponed pending outcome of referral for prosecution	INMATE'S SIGNATURE ▶	DATE

DATE NOTICE OF OUTCOME RECEIVED	DISPOSITION	INMATE'S SIGNATURE ▶	DATE
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<input type="checkbox"/> I REVOKE my request for postponement	INMATE'S SIGNATURE ▶	DATE
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STAFF ASSISTANT

STAFF ASSISTANT <input type="checkbox"/> REQUESTED <input type="checkbox"/> WAIVED BY INMATE	INMATE'S SIGNATURE ▶	DATE
<input type="checkbox"/> ASSIGNED	DATE	NAME OF STAFF
<input checked="" type="checkbox"/> NOT ASSIGNED	REASON <i>DNMC PER 3315 (B) (1)</i>	

INVESTIGATIVE EMPLOYEE

INVESTIGATIVE EMPLOYEE <input checked="" type="checkbox"/> REQUESTED <input type="checkbox"/> WAIVED BY INMATE	INMATE'S SIGNATURE ▶	DATE
<input type="checkbox"/> ASSIGNED	DATE	NAME OF STAFF
<input checked="" type="checkbox"/> NOT ASSIGNED	REASON <i>DNMC PER 3315 (B) (1)</i>	

EVIDENCE / INFORMATION REQUESTED BY INMATE:

WITNESSES
 WITNESSES REQUESTED AT HEARING (IF NOT PRESENT, EXPLAIN IN FINDINGS)
☐ REPORTING EMPLOYEE ☐ STAFF ASSISTANT ☐ INVESTIGATIVE EMPLOYEE ☐ OTHER ☐ NONE

WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)	GRANTED	NOT GRANTED	WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)	GRANTED	NOT GRANTED
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

INVESTIGATIVE REPORT: Investigative Employees must interview the inmate charges, the reporting employee, and any others who have significant information, documenting the testimony of each person interviewed. Review of files, procedures, and other documents may also be necessary.

DEFENDANT'S STATEMENT: Inmate BROWN, K-93463

On 8/13/2007, at 1000, hours, the Investigative Employee, Correctional Officer E. L. Howard, interviewed Inmate BROWN, K-93463, in regards to Rules Violation Report Log # VI-08-07-001. Inmate BROWN, made the following statement: "I want to ask only one question to my counselor - 'Why did it take so long for my counselor to write me up when I was missing SAP for 2 months?'"

The Inmate had no further statement regarding this matter at this time.

 (SEE PART-C, PAGE 1 of 1 FOR INMATE DECLARATION)
 (CONTINUED ON RVR-115 PART-C, PAGE 2 of 2)

IE copy issued on <i>8/19/07 1700</i>	By: <i>Howard</i>	INVESTIGATOR'S SIGNATURE ▶ <i>E. L. Howard, C/O, I.E., U/6</i>	DATE <i>8/19/07</i>
Final 115 copy issued on	By:	BY: (STAFF'S SIGNATURE) ▶ <i>SB</i>	DATE
<input checked="" type="checkbox"/> COPY OF CDC 115A GIVEN INMATE			

----- If additional space is required use supplemental pages -----

CDC NUMBER K-93463	INMATE'S NAME BROWN	LOG NUMBER VI-08-07-001	INSTITUTION CTF-NORTH	TODAY'S DATE 8/13/2007
<input type="checkbox"/> SUPPLEMENTAL	<input checked="" type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input type="checkbox"/> HEARING <input checked="" type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER			

REPORTING EMPLOYEE'S STATEMENT: Journey/Counselor L. Rodriguez, N. SAP Watch, S/S/H RDO's

On 8/15/2007, at approximately 0830 hours, the Investigative Employee, Correctional Officer E. L. Howard interviewed Journey/Counselor L. Rodriguez in regards to Rules Violation Report Log #VI-08-07-001. Journey/Counselor L. Rodriguez made the following statement concerning Inmate BROWN's question that was posed to this I.E.: On June 1, 2007, Inmate BROWN, K-93463 was assigned to SAP program. Due to confusion on our part that Inmate BROWN was located on 'A' yard, he received 'S' time until June 19, 2007, Inmate BROWN received his first 'A' day for failing to report. I visited Inmate BROWN with Correctional Officer Salas at Whitney Hall. I personally spoke with Inmate BROWN and asked him if he was going to be going to come to SAP. Inmate BROWN stated, "No." Then, at approximately 1110 hours, Inmate BROWN came to the SAP gate and handed me legal paperwork. I let him know that I have to write him up for not attending, and he stated, "That's fine." Further, I consulted with my supervisors regarding Inmate BROWN's attendance. I was informed that he was expected to attend program until further notice from CDCR staff. On days when he was expected to be at program (i.e. not lockdown, first watch, etc.), our staff called the housing unit to account for his absence. For example, on July 26 and August 1, 2007, Inmate BROWN told housing officer staff (Correctional Officer Carrillo on both occasions), "I don't want to come, it interferes with my litigations." Inmate BROWN received a 115 for refusing to attend program on August 1, 2007.

The Reporting Employee had no further statement concerning this matter at this time.

STAFF WITNESS REQUESTED: NO

INMATE WITNESS REQUESTED: NO

REPORTING EMPLOYEE REQUESTED: YES

INVESTIGATIVE EMPLOYEE REQUESTED: NO

ADDITIONAL INFORMATION NOT CONTAINED IN CONFIDENTIAL REPORTS: NO

STAFF WITNESSES REQUESTED AT THE HEARING:

Correctional Officer C.M. Gonzales

INMATE WITNESSES REQUESTED AT THE HEARING:

N/A

= THIS CONCLUDES THE INVESTIGATIVE EMPLOYEE REPORT =

59	SIGNATURE OF WRITER: E. L. Howard, C/O, I.E., U/6		DATE SIGNED: 8/19/07
	GIVEN BY: (Staff's Signature) [Signature]	DATE SIGNED: 8/19/07	TIME SIGNED: 1200

STATE OF CALIFORNIA

Disciplinary Issue

NOV 05 2007

DEPARTMENT OF CORRECTIONS

INMATE/PAROLEE
APPEAL FORM
CDC 602 (12/87)

Location: Institution/Parole Region

CTF-S CTF-S

Log No.

07-03912

Category

1-7

1.

1.

2.

2.

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
BROWN Wm	K93463		04241

A. Describe Problem: On the 24th of Aug 07, I was found guilty of a Serious Rule Violation (SRV) for the specific Act of "Refused to Report to Work/Job Assignment," as it has been stated at the Hearing I did not refuse to go to work.

Contentious F.
(The Hearing Officer did not render a fair and impartial Hearing)
(See Attached)

If you need more space, attach one additional sheet.

B. Action Requested: Appellant request that: 1) should any part of this appeal be P. Grant define what's Denied & what's Granted: 2) Demonstrate that the 115 was properly classified for a Rehabilitation Program: 3) that the 115 be dismissed in its entirety: 4) Demonstrate that I have a Narcotic History: 5) Explain

Inmate/Parolee Signature: Wm Brown Date Submitted: 9 Oct 2007

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

BYPASS

Staff Signature: _____

Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

BYPASS

Signature: _____

Date Submitted: _____

Note: Property/Fund Appeals must be accompanied by a completed Board of Control Form BC-1E, Inmate Claim

CDC Appeal Number:

RECEIVED

NOV 2 2007
CTF APPEALS

07-03912

RECEIVED
NOV -6 2007
CTF APPEALS

First Level ☐ Granted ☐ P. Granted ☐ Denied ☐ Other _____

E. REVIEWER'S ACTION (Complete within 15 working days): Date assigned: _____ Due Date: _____

Interviewed by: _____

BYPASS

Staff Signature: _____ Title: _____ Date Completed: _____

Division Head Approved: _____ Returned _____

Signature: _____ Title: _____ Date to Inmate: _____

F. If dissatisfied, explain reasons for requesting a Second-Level Review, and submit to Institution or Parole Region Appeals Coordinator within 15 days of receipt of response.

BYPASS

Signature: _____ Date Submitted: _____

Second Level ☐ Granted ☐ P. Granted ☒ Denied ☐ Other _____G. REVIEWER'S ACTION (Complete within 10 working days): Date assigned: **OCT 13 2007** Due Date: **NOV 28 2007**☐ See Attached LetterSignature: *[Signature]* Date Completed: **NOV 05 2007**Warden/Superintendent Signature: *[Signature]* Date Returned to Inmate: **NOV 05 2007**

H. If dissatisfied, add data or reasons for requesting a Director's Level Review, and submit by mail to the third level within 15 days of receipt of response.

22AT11

Plaintiff's argument remains unchanged must exhaust appeal before proceeding to Court. Yes I'm dissatisfied with response staff actions are retaliatory & vindictive towards the appellant for a fair hearing & Appeal Process

Signature: *[Signature]* Date Submitted: **13 Nov 07**

For the Director's Review, submit all documents to: Director of Corrections
P.O. Box 942883
Sacramento, CA 94283-0001
Attn: Chief, Inmate Appeals

DIRECTOR'S ACTION: ☐ Granted ☐ P. Granted ☐ Denied ☐ Other _____☐ See Attached Letter

How is the SAP program considered a job or work assignment, when it's a Rehabilitation Program for a Substance Abuse?

Explain:

II

My job assignment does not commence until 1200 hrs. So how did I refuse my job at 0935 hrs? (Exh A)

III

The 115 was ~~not~~ ~~falsely~~ falsely classified for Refusing to Report to Work, as it has been stated in I, how is a Rehabilitation Program a job?

IV

The appellant had been in this program for 59 days, before receiving a 115 for not going (so called 115). For 59 days I never attended this program and didn't receive a 115 for not attending. Was this 115 out of retaliation? Was it due to the fact that the Appellate stated in his initial Classification "that he did want to participate with this program and proved his point?" Not only was it mentioned at Classification it was stated on an 602.

(Exh B)

V

My reasons for not wanting to attend this program, is due to a deliberate conflict with the following: (Exh C)

- a) Full Time College Correspondence Program that the institution has approved me for.

6/

b) Interference with legal matters (Court Cases).

c) That "I" said I didn't want to participate in or with this program at my initial classification and on 602.

VI

Basically staff deliberately and intentionally ignored my requests ^{Classification initial} 602 and placed me into this program for or to be a program failure, when I already expressed that I didn't want to be in this program from day one. Set up ^{lock of the chain of events} log #s VI-07-07-035, VI-07-07-040, VI-08-01-001, and VI-08-01-005 all 115's

VII

(7-26, 7-30, 8-1, + 8-3, 2007)

I do reserve the Right to Refuse a Treatment Program. That's what SAP is, a Rehabilitation Program for Abuse of an Substance or Narcotic History.

Alcohol Abuse has already been established by Alcoholic Anonymous. Wouldn't that be a more appropriate program for Alcohol Abuse or is this about money?

Action Request Cont.

Why the institution ignored the appellants request at initial classification and placed him in the SAP program, thus causing a conflict with College studies and legal matters?

DEPARTMENT OF CORRECTIONS AND REHABILITATION
Correctional Training Facility
Soledad, California

S U P P L E M E N T A L P A G E

RE: CTF APPEAL LOG No. *CTF-S-07-03912*
Second Level Reviewer's Response

BROWN

K93463

OW-241

APPEAL DECISION:

DENIED

APPEAL ISSUE: (1 - Disciplinary)

Dismiss Rules Violation Report (RVR) Log # VI-08-07-001 dated 8/1/07 for "Refused to Report to Work/Job Assignment."

APPEAL RESPONSE:

Appellant stated the following in his appeal:

(1) The Senior Hearing Officer (SHO) cannot deem inmate Brown as a program failure.

On 10/26/07, appellant was interviewed by the CTF Appeals Coordinator, Mr. P. G. Dennis, Correctional Counselor II, to provide him the opportunity to explain his appeal and present supporting information or documents. During the interview appellant stated in essence that he did not attend SAP for 59 days with no consequence.

Inmate BROWN, CDC # K93463 is not in the MHSDS. The designated level of care is Not Applicable. Consequently a CDC Form 115X, Rules Violation Report: Mental Health Assessment Request was not completed as he did not display any bizarre, unusual, or uncharacteristic behavior at the time of the infraction or the hearing. It is noted Inmate BROWN, CDC # K93463 is fluent in English and does have a T.A.B.E Reading Score above 4.0.

A thorough review of appellant's appeals package, all of his attachments, and his Central File has been completed and reveals the following:

On 8/3/07, Inmate BROWN was issued a CDC 115, RVR Log # VI-08-07-001 for the specific act of "Refused to Report to Work/Job Assignment."

Inmate BROWN received all documentation to be relied upon more than twenty-four hours prior to the hearing. The appellant was present at the hearing on 8/24/07. The charges were read to him, and he pled NOT GUILTY, stating "the appellant had no further statement for the SHO."

The Senior Hearing Officer (SHO), Correctional Lieutenant, E. Stephens found Inmate BROWN GUILTY based on the following: 1) Documented statement by the reporting employee, 2) Officer Carrillo's statement documented in the RVR that Inmate Brown refused to participate in his work assignment, and 3) the defendant's refusal to defend himself before the SHO.

REGULATIONS: The rules governing the issues are:

California Code of Regulations (CCR), Title 15, Section 3041, 3315, 3318, 3323

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Second Level Reviewer's Response
CTF Appeal Log #CTF-S-07-03912
Page 2 of 2

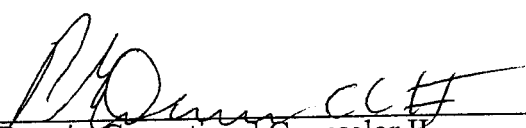
The First Formal Level of Review was bypassed per California Codes of Regulations (CCR) 3084.5(b)(4).

In response to Inmate BROWN's statements: 1) Cannot be deemed a program failure: 1) Denied per CCR 3315 (f), the SHO can place the defendant into privilege group "C" upon a guilty disposition; however, the SHO did not assess the appellant into privilege group "C" as disposition . 2) Did not attend SAP for 59 days: Denied, the appellant stated to staff that he was refusing to attend his assignment.

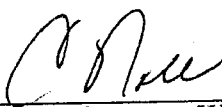
Appellant has not provided any new or additional information upon which to change the disposition of the Senior Hearing Officer, Correctional Lieutenant, E, Stephens found information that would substantiate his claim to dismiss the CDC 115, RVR Log VI-08-07-001 dated 8/1/07.

Appellant was afforded due process, and he was found guilty of Refusing to Report to his assignment based on a preponderance of the evidence presented at the hearing. Therefore, based on the aforementioned, appellant's appeal is being DENIED Second Level of Review.

Reviewed By:


P. G. Dennis, Correctional Counselor II

11-1-07
Date


C. Noll, Chief Deputy Warden

11/5/07
Date

PGD/mr

cc: Appeals Office File
Inmate's Central File

63

NUMBER: K-93463

NAME: BROWN

HOUSING: WA-330 UP

CDC-128-G (Rev. 4/74)

Summary: INITIAL: REMOVE FROM ORIENTTATION STATUS, ESTABLISH MED A CUSTODY. P/O S/S & SAP W/L. DOUBLE CELL O.K. AND NO M.D.O. CONCERNS.

Custody: MED A

Release: EPRD 10/24/09

Level: III

GPL: 9.4

Reclass: 7/1/07

CS: 46

Work Group: A1

Privilege Group: A (effective: 7/19/06)

RPS: 3/24/09

BROWN appeared before Unit VI U.C.C. today for Initial Classification. The inmate is a 36 year old, 1st term received in CDC on 4/22/98 from Santa Cruz County. Commitment Offense(s): P.C. 245(A)(1) Assault with a Deadly Weapon & P.C. 192(A) Voluntary Manslaughter. Received at CTF on 9/26/06 from KVSP as a non-adverse transfer. Restitution: Amount-\$2,600, Balance-\$2,600. Arrest history: Multiple inflict corporal injury on spouse, damage power lines, batter, battery on non-cohabitant/former spouse, arson: inhabited structure, alter/aid/counsel/procure arson, causing fire that casues GBI, prevent/dissuade witness threat, ADW not firearm:GBI likely. Prior CDC Numbers: none. SEX OFFENSES: none. ARSON: On Instant Offense BROWN poured gas into their trailer & lit a match, the trailer caught fire and the victim died. ESCAPES: none. ENEMIES: NOTED. GANG: none. CONFIDENTIALS: NOTED. Disciplinary Overview: 7/20/06 Conduct resulting in Use of Force. Div. "F", 3/21/05 Disrespect. Admisitrative, 11/27/04 Disrespect. Administrative, 10/10/03 Possession of Inmate Manufactured Alcohol. Div. "C", 2/17/02 Possession of Inmate Manufactured Alcohol. Div. "C", 9/21/02 Altered Radio. Div. "F", 2/21/01 Possession of Inmate Manufactured Alcohol. Div. "C", 9/12/01 Disobeying Orders. Div."F", 5/29/00 Mutual Combat. Div. "D". County of Residence: Santa Cruz. Medical: Full duty; TB Code: 22, 128c dated 5/4/06. Disability: none. CCCMS: no. EOP: no. MDO: Committee reviewed Inmate BROWN for MDO referral; he did commit a qualifying offense, but has not been found to currently have a mental illness and thus he does not meet criteria per PC 2962(e). HWD review: no unresolved dispositions. FPTTP: n/a. Assignment Status: unassigned. BROWN is CTF-III endorsed & "P" coded for VIO. Program Eligibility Review: CAMP: Ineligible due to VIO; MSF: Ineligible due to VIO. Special Programs Review: CCF: Ineligible due to VIO; MCCF: Ineligible due to VIO; RESTITUTION CENTER: Ineligible due to VIO; SAP: Eligible. BROWN does not require single-cell housing, as C-file reflects no history of predatory or assaultive behavior towards a cell partner. COMMITTEE ACTIONS: REMOVE FROM ORIENTTATION STATUS, ESTABLISH MED A CUSTODY. P/O S/S & SAP W/L. DOUBLE CELL O.K. AND NO M.D.O. CONCERNS. COMMENTS: Inmate BROWN participated in today's U.C.C. and acknowledged his understanding of the Committee's actions. BROWN disagreed with the Committee's decision and stated that he did not want to participate in SAP. I explained that SAP is mandatory for anyone who has a Narcotic History. BROWN was advised of his right to appeal Committee actions. He was informed that his next scheduled annual classification will be during 7/1/07. Per PC 2930 Initial Classification was held within 14 days of arrival. 72 hour written notification provided per CCR 3375(f)(1), 128-B-1 on file.

CHAIRPERSON: J. SARELI FACILITY CAPTAIN

Recorder: R. QUINTERO CCI

Panel: J. SARELI FACILITY CAPTAIN: P. MCPARTLAN CCI: R. QUINTERO CCI /rrq

Dist.: C-File
Inmate

DATE: 10/11/06

Classification: INITIAL

Inst: CTF-NORTH

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2ND LEVEL

DEC 1 2

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTION

INMATE/PAROLEE
APPEAL FORM
CDC 802 (12/87)

Location: Institution/Parole Region

CTF-N

Log No. 06-03698

Category

(2)-15

1.

1.

2.

2.

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
BROWN, Wm. William	K-93463	N/A	WA 108 U

I. SAP, PLACEMENT

A. Describe Problem:

On 11-8-06, Appellant received his CDC 128-G, Initial Classification.

Mr. Brown has a problem with being put on the SAP W/L, waiting list.

Mr. Brown has verbally expressed his discontent to being put on this list a Classification, and now the Appellant is dissatisfied with the Committees decision by placing me on the SAP waiting list. I clearly stated, "THAT I DID NOT WANT TO BE IN THE SAP PROGRAM"!!! and I was still put on

If you need more space, attach one additional sheet.

Please see Attached

B. Action Requested: I.

Appellant request, 1) that the institution/Committee define its position on how Mr. Brown qualifies for SAP, 2) define the institutions interpretation of "NARCOTIC", 3) and if the Appellant meets that requirement

Inmate/Parolee Signature: Wm Brown Date Submitted: 11-9-06

C. INFORMAL LEVEL (Date Received: _____)

Staff Response:

BYPASS

 RECEIVED
 DEC 26 2006
 INMATE APPEALS
 BRANCH

Staff Signature: _____ Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

BYPASS

RECEIVED

Signature

Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number:

NOV 14 2006

CTF APPEALS

06-03698

3-10-07

CDC 602 (12/87)

MAR 16 2007

Date:

☐ Other

☒ Denied

☐ P. Granted

☐ Granted

☒ See Attached Letter

Attn: Chief, Inmate Appeals
Sacramento, CA 94283-0001
P.O. Box 942883

For the Director's Review, submit all documents to: Director of Corrections

Date Submitted:

Signature:

Wm. [Signature]

12-21-06

response.

H. If dissatisfied, add data or reasons for requesting a Director's Level Review, and submit by mail to the third level within 15 days of receipt of

Warden/Superintendent Signature:

Date Returned to Inmate:

Date Completed:

DEC 12

12-7-07

☒ See Attached Letter

G. REVIEWER'S ACTION (Complete within 10 working days): Date assigned:

NOV 14 2006

DEC 29 2006

☐ Other

☒ Denied

☐ P. Granted

☐ Granted

Second Level

Date Submitted:

Signature:

BYPASS

receipt of response.

F. If dissatisfied, explain reasons for requesting a Second-Level Review, and submit to Institution or Parole Region Appeals Coordinator within 15 days of

Signature:

Division Head Approved:

Staff Signature:

Title:

Date to Inmate:

Title:

Date Completed:

Returned

BYPASS

Interviewed by:

E. REVIEWER'S ACTION (Complete within 15 working days): Date assigned:

Due Date:

☐ Other

☐ Denied

☐ P. Granted

☐ Granted

First Level

STATE OF CALIFORNIA
DEPARTMENT OF CORRECTIONS AND REHABILITATION
INMATE APPEALS BRANCH
P. O. BOX 942883
SACRAMENTO, CA 94283-0001
DIRECTOR'S LEVEL APPEAL DECISION

Date: MAR 16 2007

In re: Brown, K-93463
Correctional Training Facility
P.O. Box 686
Soledad, CA 93960

IAB Case No.: 0607444

Local Log No.: CTF 06-03698

This matter was reviewed on behalf of the Director of the California Department of Corrections and Rehabilitation (CDCR) by Appeals Examiner J. G. Arceo, Facility Captain. All submitted documentation and supporting arguments of the parties have been considered.

I APPELLANT'S ARGUMENT: It is the appellant's position that he did not want to be on the Substance Abuse Program (SAP) waiting list. He requests that the institution defines how he qualifies for the SAP; and define the interpretation of narcotic.

II SECOND LEVEL'S DECISION: The reviewer found that the appellant's central file includes an extensive history of substance abuse related to alcohol, and in-custody misconduct showing three CDC Forms 115; Rules Violation Reports for possession of inmate manufactured alcohol. The Classification committee involuntarily placed the appellant on the SAP waiting list due to the appellant's extensive history of substance abuse. The Second Level of Review provides the appellant with reasons for the Classification committee's action.

III DIRECTOR'S LEVEL DECISION: Appeal is denied.


A. FINDINGS: The appellant's appeal issue has received the required review. The appellant has not established that the information included in his central file is wrong and the documentation referenced by the Classification committee to determine the appellant's eligibility for the SAP are include false information regarding his abuse of alcohol. The institution does not have to define their interpretation of narcotics in order to place the appellant in the SAP. The institution has explained the reasons he does involuntarily qualify for the program. The appellant has presented no evidence to warrant modification of the decision reached by the institution.

B. BASIS FOR THE DECISION:

California Code of Regulations, Title 15, Section: 3001, 3040, 3040.1, 3041, 3375

C. ORDER: No changes or modifications are required by the institution.

This decision exhausts the administrative remedy available to the appellant within CDCR.


N. GRANNIS, Chief
Inmate Appeals Branch

cc: Warden, CTF
Appeals Coordinator, CTF

666 17

DEPARTMENT OF CORRECTIONS AND REHABILITATION
Correctional Training Facility
Soledad, California
SUPPLEMENTAL PAGE

RE: CTF APPEAL LOG NO. CTF-N-06-03698
Second Level Reviewer's Response

NAME: BROWN

CDC#: K-93463

HOUSING: WA-108U

APPEAL DECISION: DENIED

APPEAL ISSUE: CUSTODY/ CLASSIFICATION

In your appeal you state that during your initial classification on 10-11-06, you were placed on the Substance Abuse Program (SAP) waiting list against your wishes. You state that during classification you clearly stated you did not want to be placed in the SAP program.

ACTION REQUESTED:

1. That the institution define how you qualify for the SAP program.
2. Define the institutions interpretation of "Narcotic" as you have never been convicted nor have any history of any "narcotic offenses".
3. To be removed form the SAP waiting list as you have no narcotic history.
4. That since the institution is using your alcohol history to place you in SAP, you want the institution to demonstrate to you on how alcohol is a narcotic.

ADDITIONAL INFORMATION:

CCII J.H. Frye interviewed you on 12-07-06 for a Second Level response. During the interview you maintain that since you have no history of any narcotic offenses, you do not qualify for the SAP program and can't be forced to participate.

Guidelines for placement in the SAP program are outlined in CCR section 3040.1 of the Title 15 and per CTF Operational Procedure #84.

APPEAL RESPONSE:

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Your contention that since you have no history of narcotic offenses you do not qualify for placement in the SAP is false, CCR 3040.1 states in part that "A classification committee

December 7, 2006
 Supplemental Page
 SECOND LEVEL APPEAL
 CTF-N-06-03698
 Page 2 of 2

may consider inmates who have a documented history of substance abuse for placement in the SAP; placement may be voluntary or involuntary”.

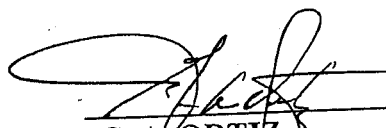
CTF O.P. #84 clearly states, “inmates having history of substance abuse (drug and/or alcohol) as documented in the Probation Officer’s Report (POR), arrest reports parole violation reports, Institution Staff Recommendation Summary (ISRS) or other documents in the Central File should be considered for SAP placement”.

Current Departmental procedure clearly states that an inmate with a **substance abuse** history can be considered for SAP placement.


A review of your C-File reflects that you have an extensive substance abuse history related to alcohol. Per POR report dated 03-06-98 you stated that you were an alcoholic. Per ISRS report dated 06-16-98, you admitted that you have an addiction to alcohol and stated that you drank at the rate of one 12 pack per day. In addition, your C-File reflects you have received 3 CDC 115’s for possession of inmate manufactured alcohol while housed in CDCR.

SUMMARY / CONCLUSION

Based on your extensive history of alcohol abuse as noted in your POR, ISRS and Disciplinary section of your C-file, classification committee on 10-11-06 elected to place you involuntarily on the SAP program waiting list. Your objections to being placed on the SAP program waiting list were properly documented in your CDC 128-G however, per CCR 3040.1 and CTF O.P. 84 inmates can be voluntary or involuntarily placed on the SAP program waiting list. Based on the above, your appeal is **DENIED** at the Second Level of review.


 G. A. ORTIZ
 Associate Warden
 CTF-North Facility

12/8/06
 Date


 B. CURRY
 Warden (A)
 Correctional Training Facility

12-11-06
 Date

cc: Inmate’s Central File
 Appeals File

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[Payments](#)
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My Ashworth University

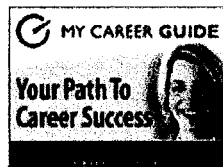
 Welcome **William Brown K-93463**

Student #: AC0213495

My Grades

Courses	Began	Completed	Grade *
Introduction to Business (C01 - Rev. 0)	05-17-2002	07-09-2002	84
Business Communications I (C02 - Rev. 0)	06-28-2002	09-10-2002	79
Business Math (C03 - Rev. 0)	08-23-2002	10-02-2002	84
Principles of Management (C15 - Rev. 0)	11-18-2002	03-18-2003	81
Introduction to Psychology (C04 - Rev. 0)	02-07-2003	04-30-2003	66
Human Resource Management (M01 - Rev. 0)	07-02-2003	12-30-2003	77
Business Communications II (C05 - Rev. 0)	04-16-2004	06-24-2004	92
Business Ethics (C06 - Rev. 0)	06-24-2004	07-27-2004	83
Introduction to Accounting (A01 - Rev. 0)	07-20-2004	09-28-2004	83
American Government (C08 - Rev. 1)	10-26-2004	04-05-2005	81
Total Quality Management (M02 - Rev. 0)	04-11-2005	06-29-2005	81
Introduction to Computers (C10 - Rev. 0)	05-27-2005	08-10-2005	85
Principles of Marketing (C16 - Rev. 1)	08-01-2005	01-06-2006	81
Personal Finance (C07 - Rev. 0)	12-15-2005	05-02-2006	85
Principles of Accounting I (A02 - Rev. 0)	04-25-2006	07-25-2006	78
Organizational Behavior (M03 - Rev. 0)	07-10-2006	04-30-2007	77
Microeconomics (C13 - Rev. 1)	02-15-2007		

* P = Passed; F = Failed; R = Received; W = Withdrawal


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GPA 81%

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Associate Degree in Business Management Textbook Costs as of September 12, 2007

Semester 1

C01	Intro to Business	\$	42.60
C02	Business Communications I	\$	46.52
C04	Introduction to Psychology	\$	49.02
C15	Principles of Management	\$	52.64
C17	College Mathematics	\$	45.80
Total Textbook Cost		\$	236.58
Tuition		\$	1,200.00
Total Semester Cost		\$	963.42

Semester 2

A01	Introduction to Accounting	\$	42.23
C05	Business Communications II	\$	48.79
C06	Business Ethics	\$	46.76
C08	American Government	\$	51.32
M01	Human Resource Management	\$	60.83
Total Textbook Cost		\$	249.93
Tuition		\$	1,200.00
Total Semester Cost		\$	950.07

Semester 3

A02	Principles of Accounting I	\$	52.15
C07	Personal Finance	\$	57.22
C10	Introduction to Computers	\$	43.10
C16	Principles of Marketing	\$	57.11
M02	Total Quality Management	\$	42.34
Total Textbook Cost		\$	251.92
Tuition		\$	1,200.00
Total Semester Cost		\$	948.08

Semester 4

A03	Principles of Accounting II	\$	52.99
C09	Principles of Finance	\$	55.31
C12	Business Law	\$	56.71
C13	Microeconomics	\$	47.80
M03	Organizational Behavior	\$	56.51
Total Textbook Cost		\$	269.32
Tuition		\$	1,200.00
Total Semester Cost		\$	930.68

Each course is worth 3 credit hours.

Our courses are revised as needed to maintain current and relative curriculum. As a result the textbook prices listed here are subject to change without notification.

All other charges and fees associated with the program are classified as tuition.



Payment History Report

AC0213495

William Brown K-93463

PO BOX 689

CTF Central/ 0W241

SOLEDAD, CA 93960-0705

Contract Balance: \$1,275.00

Late Fee Balance: \$0.00

Other Charges Balance: \$0.00

Shipping Balance: \$0.00

Total Owed: \$1,275.00

<u>Entry Type</u>	<u>Created On</u>	<u>Tuition</u>	<u>Shipping</u>	<u>Late Fees</u>	<u>Other Charges</u>	<u>Paid Amount</u>	<u>Balance</u>
Payment	11/06/07	28.00	0.00	0.00	0.00	28.00	1,275.00
Payment	10/04/07	28.00	0.00	0.00	0.00	28.00	1,303.00
Payment	09/04/07	28.00	0.00	0.00	0.00	28.00	1,331.00
Payment	08/13/07	28.00	0.00	0.00	0.00	28.00	1,359.00
Payment	07/10/07	28.00	0.00	0.00	0.00	28.00	1,387.00
Payment	06/11/07	28.00	0.00	0.00	0.00	28.00	1,415.00
Payment	05/03/07	28.00	0.00	0.00	0.00	28.00	1,443.00
Payment	04/12/07	28.00	0.00	0.00	0.00	28.00	1,471.00
Payment	03/08/07	28.00	0.00	0.00	0.00	28.00	1,499.00
Payment	02/08/07	28.00	0.00	0.00	0.00	28.00	1,527.00
Payment	01/08/07	28.00	0.00	0.00	0.00	28.00	1,555.00
Payment	12/08/06	28.00	0.00	0.00	0.00	28.00	1,583.00
Payment	11/10/06	28.00	0.00	0.00	0.00	28.00	1,611.00
Payment	10/06/06	28.00	0.00	0.00	0.00	28.00	1,639.00
Payment	09/11/06	28.00	0.00	0.00	0.00	28.00	1,667.00
Payment	08/07/06	28.00	0.00	0.00	0.00	28.00	1,695.00
Payment	07/10/06	28.00	0.00	0.00	0.00	28.00	1,723.00
Payment	06/09/06	28.00	0.00	0.00	0.00	28.00	1,751.00
Invoice	06/06/06	789.00	0.00	0.00	0.00	0.00	1,779.00
Payment	05/12/06	28.00	0.00	0.00	0.00	28.00	990.00
Payment	04/10/06	28.00	0.00	0.00	0.00	28.00	1,018.00

Page 1 of 3

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<u>Entry</u>	<u>Created On</u>	<u>Tuition</u>	<u>Shipping</u>	<u>Late Fees</u>	<u>Other Charges</u>	<u>Paid Amount</u>	<u>Balance</u>
Payment	03/07/06	28.00	0.00	0.00	0.00	28.00	1,046.00
Payment	02/13/06	28.00	0.00	0.00	0.00	28.00	1,074.00
Payment	01/09/06	28.00	0.00	0.00	0.00	28.00	1,102.00
Payment	12/09/05	28.00	0.00	0.00	0.00	28.00	1,130.00
Payment	11/10/05	28.00	0.00	0.00	0.00	28.00	1,158.00
Payment	10/10/05	28.00	0.00	0.00	0.00	28.00	1,186.00
Payment	09/23/05	28.00	0.00	0.00	0.00	28.00	1,214.00
Payment	08/08/05	28.00	0.00	0.00	0.00	28.00	1,242.00
Payment	07/26/05	28.00	0.00	0.00	0.00	28.00	1,270.00
Payment	06/13/05	28.00	0.00	0.00	0.00	28.00	1,298.00
Payment	05/09/05	28.00	0.00	0.00	0.00	28.00	1,326.00
Payment	04/11/05	28.00	0.00	0.00	0.00	28.00	1,354.00
Invoice	04/11/05	789.00	0.00	0.00	0.00	0.00	1,382.00
Payment	03/09/05	28.00	0.00	0.00	0.00	28.00	593.00
Payment	02/10/05	28.00	0.00	0.00	0.00	28.00	621.00
Payment	01/07/05	28.00	0.00	0.00	0.00	28.00	649.00
Payment	12/07/04	28.00	0.00	0.00	0.00	28.00	677.00
Payment	11/10/04	28.00	0.00	0.00	0.00	28.00	705.00
Payment	10/12/04	28.00	0.00	0.00	0.00	28.00	733.00
Payment	09/03/04	28.00	0.00	0.00	0.00	28.00	761.00
Payment	08/05/04	28.00	0.00	0.00	0.00	28.00	789.00
Payment	07/06/04	26.00	0.00	0.00	0.00	26.00	817.00
Payment	06/07/04	30.00	0.00	0.00	0.00	30.00	843.00
Payment	05/05/04	28.00	0.00	0.00	0.00	28.00	873.00
Payment	04/08/04	28.00	0.00	0.00	0.00	28.00	901.00
Payment	03/08/04	28.00	0.00	0.00	0.00	28.00	929.00
Payment	02/03/04	2.00	0.00	0.00	0.00	2.00	957.00
Payment	01/31/04	26.00	0.00	0.00	0.00	26.00	959.00
Payment	01/06/04	28.00	0.00	0.00	0.00	28.00	985.00
Payment	12/08/03	26.00	0.00	0.00	0.00	26.00	1,013.00
Payment	11/07/03	30.00	0.00	0.00	0.00	30.00	1,039.00
Payment	10/31/03	50.00	0.00	5.00	0.00	55.00	1,069.00

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<u>Ent</u>	<u>Created On</u>	<u>Tuition</u>	<u>Shipping</u>	<u>Late Fees</u>	<u>Other Charges</u>	<u>Paid Amount</u>	<u>Balance</u>
Invoice	09/26/03	0.00	0.00	5.00	0.00	0.00	1,124.00
Payment	08/11/03	30.00	0.00	0.00	0.00	30.00	1,119.00
Payment	07/08/03	30.00	0.00	0.00	0.00	30.00	1,149.00
Invoice	07/02/03	789.00	0.00	0.00	0.00	0.00	1,179.00
Payment	06/10/03	30.00	0.00	0.00	0.00	30.00	390.00
Payment	05/14/03	28.00	2.00	0.00	0.00	30.00	420.00
Payment	04/11/03	28.00	2.00	0.00	0.00	30.00	450.00
Payment	03/04/03	28.00	2.00	0.00	0.00	30.00	480.00
Payment	01/31/03	28.00	2.00	0.00	0.00	30.00	510.00
Payment	12/30/02	28.00	2.00	0.00	0.00	30.00	540.00
Payment	12/09/02	24.00	6.00	0.00	0.00	30.00	570.00
Invoice	11/12/02	0.00	0.00	0.00	0.00	0.00	600.00
Invoice	11/12/02	0.00	0.00	0.00	0.00	0.00	600.00
Payment	11/04/02	30.00	0.00	0.00	0.00	30.00	600.00
Payment	10/07/02	30.00	0.00	0.00	0.00	30.00	630.00
Payment	09/16/02	28.00	2.00	0.00	0.00	30.00	660.00
Payment	08/06/02	28.00	2.00	0.00	0.00	30.00	690.00
Payment	07/15/02	28.00	2.00	0.00	0.00	30.00	720.00
Payment	06/13/02	28.00	2.00	0.00	0.00	30.00	750.00
Invoice	05/17/02	789.00	0.00	0.00	0.00	0.00	780.00
Payment	05/16/02	33.00	0.00	0.00	0.00	33.00	-9.00
Invoice	05/16/02	0.00	24.00	0.00	0.00	0.00	24.00

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NAME and NUMBER **BROWN****K93463****WA-108U**

CDC 128-E

Inmate BROWN is currently enrolled in Organizational Behavior; Microeconomics; Principles of Finance; Business Law; Principles of Accounting II, in the Independent Study Program through Ashworth College. The

Ashworth College**Course Related Texts and Materials**

Title	Material Type
1 Business Law	Softcover
2 Mirco-economics <i>Done</i>	Softcover
3 Organizational Bahavior <i>Done</i>	Softcover
4 Principles of Accounting II	Softcover
5 Principles of Finance	Softcover

Inmate BROWN is authorized to receive and possess all of the allowable materials required to complete the above listed course/program. Prior to the expiration date of November 2, 2007 all related materials will be sent from the institution at the inmate's expense or donated.

Inmate BROWN is not to receive any 3 ring binders.

Hardcovers will be removed from books by the Package Room officer prior to issuance.

Expiration Date: 11/2/2007

[Signature]
J. Williamson
College Coordinator / Proctor
CTF-North Facility, x6360

[Signature]
S. Campaigne
Vice Principal
Valley Adult School

Approved / Disapproved
[Signature]
A. E. Roberts
Correctional Captain
CTF-North Facility

CC: Central File
Education File
CTF-North Package Room
Housing Officer
Writer
Inmate

75

Date: November 7, 2006

76

Informational

CTF

General Chrono

804 & COPY TO RECORDS ON: _____

BY: _____

[] CCCMS []

[] LEOP []

[] NIMHP

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

RULES VIOLATION REPORT

T.A.B.E. Score is 9.4

CDC NUMBER K-93463	INMATE'S NAME BROWN	RELEASE/BOARD DATE	INST CTF-NOR	HOUSING WB-312U	LOG NO. VI-07-07-040
VIOLATED RULE NO(S). CCR §3290(c)		SPECIFIC ACTS Refusing To Submit Urine Sample	LOCATION Whitney Hall B-Side	DATE 7/30/2007	TIME 1615 Hours

CIRCUMSTANCES

On 7/30/2007, at approximately 1615 hours, while I was assigned as a Whitney B-Side Officer, I instructed Inmate **BROWN, K93463, WB312U**, that he was on the list for the Substance Abuse Program (SAP) Random Urine Analysis. I told Inmate **BROWN** that because he was taking a random U.A. he would have to "strip out". Inmate **BROWN** stated, "I don't strip out for anyone!" I told Inmate **BROWN** that I would give him a few minutes to think about it. I asked Inmate **BROWN** 15 minutes later if he would give a urine sample and Inmate **BROWN** stated, "No." Inmate **BROWN** was told he would receive a CDC-115 for refusing to submit a urine sample.

Inmate **BROWN** is aware of this CDCR-115 RVR and the specific charge. Inmate **BROWN** is not a mental health patient / participant at any level of care.

REPORTING EMPLOYEE (Typed Name and Signature) ▶ D. R. Ricks, Correctional Officer		DATE	ASSIGNMENT Whitney B-Side Officer, 3/W	RDO'S S/S
REVIEWING SUPERVISOR'S SIGNATURE ▶ P. Chanelo, Jr., Correctional Sergeant		DATE	<input type="checkbox"/> INMATE SEGREGATED PENDING HEARING DATE <u> </u> LOC. <u> </u>	
CLASSIFIED <input type="checkbox"/> ADMINISTRATIVE <input checked="" type="checkbox"/> SERIOUS	OFFENSE DIVISION: "D" 61-90	DATE	CLASSIFIED BY (Typed Name and Signature) ▶ A. Mendez, Correctional Sergeant	
			HEARING REFERRED TO <input type="checkbox"/> HO <input checked="" type="checkbox"/> SHO <input type="checkbox"/> SC <input type="checkbox"/> FC	

COPIES GIVEN TO INMATE BEFORE HEARING

<input checked="" type="checkbox"/> CDC 115	BY: (STAFF'S SIGNATURE) ▶	DATE	TIME	TITLE OF SUPPLEMENT		
<input type="checkbox"/> INCIDENT REPORT LOG NUMBER:	BY: (STAFF'S SIGNATURE) ▶	DATE	TIME	BY: (STAFF'S SIGNATURE) ▶	DATE	TIME

HEARING:

ACTION BY: (TYPED NAME) ▶		SIGNATURE ▶		DATE	TIME
REVIEWED BY: (TYPED NAME) ▶		DATE	CHIEF DISCIPLINARY OFFICER'S SIGNATURE ▶		DATE
		BY: (STAFF'S SIGNATURE) ▶ 76		DATE	TIME
<input type="checkbox"/> COPY OF CDC 115 GIVEN TO INMATE AFTER HEARING					

CDCR115 (7/88)

115 TB: _____

115 HB: _____

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

SERIOUS RULES VIOLATION REPORT

CDC NUMBER K-93463	INMATE'S NAME BROWN	VIOLATED RULE NO(S). CCR§ 3290(c)	DATE 7/30/2007	INSTITUTION CTF-NORTH	LOG NO. VI-07-07-040
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REFERRAL FOR FELONY PROSECUTION IS LIKELY IN THIS INCIDENT ☐ YES ☒ NO**POSTPONEMENT OF DISCIPLINARY HEARING**

<input type="checkbox"/> I DO NOT REQUEST my hearing be postponed pending outcome of referral for prosecution	INMATE'S SIGNATURE ▶	DATE
<input type="checkbox"/> I REQUEST my hearing be postponed pending outcome of referral for prosecution	INMATE'S SIGNATURE ▶	DATE
DATE NOTICE OF OUTCOME RECEIVED	DISPOSITION	
<input type="checkbox"/> I REVOKE my request for postponement	INMATE'S SIGNATURE ▶	DATE

STAFF ASSISTANT

STAFF ASSISTANT <input type="checkbox"/> REQUESTED <input type="checkbox"/> WAIVED BY INMATE	INMATE'S SIGNATURE ▶	DATE
<input type="checkbox"/> ASSIGNED	DATE	NAME OF STAFF
<input checked="" type="checkbox"/> NOT ASSIGNED	REASON	

INVESTIGATIVE EMPLOYEE

INVESTIGATIVE EMPLOYEE <input type="checkbox"/> REQUESTED <input type="checkbox"/> WAIVED BY INMATE	INMATE'S SIGNATURE ▶	DATE
<input type="checkbox"/> ASSIGNED	DATE	NAME OF STAFF
<input checked="" type="checkbox"/> NOT ASSIGNED	REASON	

EVIDENCE / INFORMATION REQUESTED BY INMATE:

WITNESSES

WITNESSES REQUESTED AT HEARING (IF NOT PRESENT, EXPLAIN IN FINDINGS)

☐ REPORTING EMPLOYEE ☐ STAFF ASSISTANT ☐ INVESTIGATIVE EMPLOYEE ☐ OTHER _____ ☐ NONE

WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)	GRANTED	NOT GRANTED	WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)	GRANTED	NOT GRANTED
_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

INVESTIGATIVE REPORT: Investigative Employees must interview the inmate charges, the reporting employee, and any others who have significant information, documenting the testimony of each person interviewed. Review of files, procedures, and other documents may also be necessary.

INVESTIGATOR'S SIGNATURE ▶		DATE	
BY: (STAFF'S SIGNATURE) ▶		TIME	DATE
<input type="checkbox"/> COPY OF CDC 115A GIVEN INMATE			